IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1956 OF 2005

Elpheqe A. Pereira. .... Petitioner.

Versus

The State of Maharashtra & Anr... .... Respondents.

Mr. B. G. Tangsali for the Petitioner.

Mr. N. P. Deshpande, AGP for the Respondents.

CORAM: DALVEER BHANDARI, C.J. &

S. A. BOBDE, J.

DATED : APRIL 4, 2005.

P.C. :

The Petitioner is guilty of plying a more than eight years' old commercial vehicle in Mumbai in clear and flagrant violation of

the order dated 3rd March, 2004 passed by a Division Bench of this Court. The petitioner's vehicle bearing No. MH-04-S-7337 was seized by respondent No.2 on 15th September, 2004, which was registered in Thane.

2. The learned Counsel appearing for the petitioner submitted that the petitioner was unaware of the above order of the Division Bench. He has apologised for the lapse and has given undertaking to the Court that similar lapse will not be repeated.

3. We have heard the learned Counsel for the petitioner at length.

4. On consideration of the totality of the facts and circumstances, it is suggested that for this lapse, the petitioner be directed to pay Rs.10,000/- to the Chief Minister's Relief Fund, Maharashtra (South-India-Earthquake). The learned Counsel

appearing for the petitioner, on instructions, has undertaken to pay this amount immediately. This amount would be utilised for the victims of *Tsunami* tragedy.

5. The petitioner or any authorised representative on his behalf, would give an undertaking to respondent No.2, Regional Transport Officer (R.T.O.), Mumbai not to ply the said vehicle in Mumbai in future. On giving this undertaking and paying the said amount of Rs.10,000/- to the Chief Minister's Relief Fund, Maharashtra (South India-Earthquake), the vehicle in question shall be released. The petitioner is directed to hand over the cheque, as mentioned above, to the R. T. O., who in turn, shall forward the same to the Chief Minister's Office.

6. No further directions are necessary. This petition is, accordingly, disposed of.

7. The Registry is directed to send a copy of this order to the Chief Minister's Office for information.

Sd/-

CHIEF JUSTICE

Sd/-

S. A. BOBDE, J.